

MINUTES
TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES
REGULAR TOWN COUNCIL MEETING

Thursday, October 26, 2006
3:30 p.m.

PRESENT: Thomas W. Cadden, Mayor
David J. Becker, Vice Mayor
William H. Ahrens, Councilmember
Frances F. Atchison, Councilmember
E. William Kenyon, Councilmember

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Pete Sweeney for Town Attorney, Chester Clem
Richard Jefferson, Building Official
Bill Schauman, Director of Public Safety and Four Department Members

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
 - a. Pledge of Allegiance
 - b. Invocation – Councilman Becker
 - c. Roll Call

2. **Consent Agenda**
 - a. Approval of 1st Budget Public Hearing Minutes of September 18, 2006
 - b. Approval of Regular Town Council Meeting Minutes of September 28, 2006
 - c. Approval of 2nd Budget Public Hearing Minutes of September 28, 2006
 - d. Approval of Invoice for Labor Attorney David Richeson

Mayor Cadden asked if there were any questions, and there were none. A **motion** was made by Councilman Kenyon, supported by Councilman Becker, **to approve the consent agenda as presented.** It was **unanimously approved** by voice vote.

3. **Mayor’s Items.** The Mayor welcomed Jim Davis, Director of the Indian River County Public Works Department.
 - a. County Road Update by Jim Davis, IR County Public Works Director

Mr. Davis thanked the Council for inviting him to the meeting, and passed out the latest Transportation Improvement Program, which includes both the County and the Florida Department of Transportation’s (FDoT) plans for improvement. The State is planning \$300 million in improvements within the next 5 years in the County, which includes some for mass transportation and aviation spending. Most of it is road improvements, and pertinent in our area, the Wabasso Causeway from U.S. 1 to A-1-A. It used to be a County road, but as of a few years ago the FDoT has it. Since the high level bridge was built on CR 510 (Wabasso Causeway) it has had a history of sliding down the 8% grade. In the early 80’s jacks were installed to hold it up, and now \$7 - \$8 million is planned to retrofit the roadway including the bridge. Widening the causeway east of the bridge to five (5) lanes is in process, and CR 510 to CR 512 will also be widened.

Closer to Indian River Shores, about \$2 million in improvements is being done on A-1-A, including 3-laning through the Summer Place area and widening on 510 east

of A-1-A. Councilman Kenyon asked about the County's long-range plan for A-1-A, and Mr. Davis reminded him that it was not their road, but the sentiment is that the community does not want a 5-lane road, so it will stay 3 lanes except for a right turn lane here and there. He briefly discussed 4-lane roads and use of a center median.

The City of Vero Beach is using impact fee funds to improve the intersection for traffic heading north to turn west onto the 17th Street Bridge at A-1-A. The City and County are working to improve Indian River Boulevard at the 5-point light just south of the Merrill Barber Bridge to make it a 4-way intersection with improved efficiency at the signal, which should happen within the next year. A lot of resistance to the 6-laning of Indian River Boulevard between the bridges has been encountered, but the road was master-planned as a 6-lane road, and the right of way was acquired.

About \$300 million is planned by both the County and State within the next four or five years for road improvements, but progress could be hampered by the lack of aggregates (rock and sand) in the state. In addition, the cost of asphalt has doubled or tripled as compared to just a few years ago, making it a tough environment for construction.

Councilman Becker asked Mr. Davis to review why the County is considering lending funds to the State for improvements to SR 60 between 66th and I-95. Mr. Davis said that his perspective is that the FDOT was falling behind, and the projects were coming at twice or higher than estimated. The 5-year program continually is underfunded, so SR 60 was repeatedly being bumped down the list to the sixth year or further. Already close to capacity is 82nd Avenue, and 82nd Avenue to I-95 is not on the list for 7-8 years. Several developments have vested trips but have concurrency problems that will impact SR 60. To keep the projects alive, the County has to decide whether to step in and provide short-term funding (without interest) or readdress the Level of Service on the road. During peak season, we maintain Level of Service B, but we could go to Level of Service E. The developers may be asked to pay the lost interest, as it is an impact to the County's cash flow and planned revenue for those funds. Councilman Becker asked if he understood correctly that if the County were to loan the money, it would leave them in a more vulnerable position. Mr. Davis said that they have a commitment to their own Capital Improvement Program (CIP) first, and they must be protective over their revenue sources with the unknowns. There are anti-growth sentiments to face as well. Councilman Becker asked if a developer has ever been stopped for non-concurrency, and Mr. Davis said that some have been given the option of funding a road project or cease development, and they have drawn back. The Senate Bill 360 is "pay as you go" with proportionate share agreements for road capacity mitigation, which allows roads to be mitigated above and beyond the impact fees. This is not in the CIP now.

Councilman Kenyon asked if it was true that the plans for roads are in the areas that are being developed rather than in areas that are already developed, and Mr. Davis replied that Oslo Road improvement, Indian River Boulevard, 12th Street, 8th Street, 4th Street have all been done recently. However, over the past 25 years most of the money has been spent east of 43rd, and now it is time to move west. Councilman Kenyon asked if the impact fee has covered the needs, and Mr. Davis said it is part of the blend of funding sources that includes Local Option Sales Tax and Gas Tax. He guesses that impact fees are 60-70% of the revenue blend, and developers pay for turn lanes and sidewalks. Not one cent of the Ad Valorem tax goes to the CIP, he added.

The Wabasso Bridge was discussed more between Councilman Kenyon and Mr. Davis, with the latter noting that \$7 million is planned to retrofit the roadway between

A-1-A and US 1 (widening the bridge for pedestrians, sidewalk enhancement on the roadway and resurface it). The safety of the bridge was questioned, and Mr. Davis explained that it was safe, but the expansion joints were closing at the bottom of the hill and opening at the top, and a metal retainer has been installed.

Councilman Becker asked about 58th Avenue and 66th Avenue, and how the 43rd Avenue question was finally resolved. Mr. Davis said that at 58th Avenue at SR 60, a third through lane and triple left-turn lane north bound to west bound were installed to accommodate the “big box” retail, as this is the busiest intersection in the County. This is over a \$20 million project, and computer modeling is being done to spread the traffic out instead, such as extending College Lane to coincide with the light at the Mall.

Mr. Davis continued that a lot of people did not want 43rd Avenue to be widened, as there is only an 80’ right-of-way and a 25’ setback for the homes. The County Commission voted not to approve the widening in response to a grass-roots effort to abort the project. Later the County decided to install a 14’ landscaped median which would maintain the aesthetics. As 58th Avenue and 43rd Avenue cannot be done simultaneously, 58th would probably be done first towards 510. Right now 53rd Street is being constructed (County and developer-funded project), the 4-laning of 66th Avenue is planned for beginning construction within two years, and 58th Avenue (Kings Highway) to begin in 3-4 years. He explained that 66th Avenue has been on the plan longer, is traveled more and services more residents (16,000 lots in Sebastian Highlands and 9,000 in Vero Lake Estates) than 58th Avenue, which terminates at 510.

Mayor Cadden asked about the article in the paper regarding Aviation Avenue extension, and Mr. Davis said it is a very difficult project with wetlands, Boysenberry Creek and heavy residential involvement with the Vero Beach Country Club. Mayor Cadden said that there is a right-of-way on Indian River Boulevard already and he hopes that it is done. His other question was concerning when SR 60 West will be completed. Mr. Davis said that the first six-mile section will open in the spring, and the second section to the end of the County will be a year later. The contractor is having staffing difficulties, with about one-third of the requested laborers actually showing up. The aggregate supply has also been a problem. Mayor Cadden was concerned about evacuation due to storms, and Mr. Davis replied that within two seasons it should be completed.

Councilman Ahrens asked if the work on the Wabasso Bridge was just to remediate it with steel bracing, and Mr. Davis said that there is nothing structural other than 35 year maintenance. Councilman Ahrens said it sounds like more than \$7 million is needed for repairs.

Councilman Becker asked about a developer buying property and reserving concurrent road space far ahead of the need, and then someone else who has a more immediate capacity need faces a shortage. Mr. Davis said this is a huge question, when to “vest” the road space – when a conceptual plan is approved or a Certificate of Occupancy is presented. This can create a commodity market, but having an early investment in infrastructure and having to wait for road concurrency is also risky for a developer. The County Commission will review concurrency vesting and make a determination soon, but it is expected to be heavily debated. It is now done when a building permit is pulled, but is being considered for when a final plat is submitted. Councilman Kenyon asked if there is a time span for concurrency, and Mr. Davis said it does run out.

Mayor Cadden thanked Mr. Davis for coming, and said his answers were very nicely done.

- b. Resolution 06-09, Supporting Formation of Treasure Coast Regional League of Cities
Mayor Cadden said that the Town had already voted to form the League, and this is the Resolution supporting that action. Councilman Kenyon **made a motion to approve Resolution 06-09, Supporting the Formation of a Treasure Coast Regional League of Cities**, supported by Councilmember Atchison. Mayor Cadden read the resolution in title, following which there was no discussion. The **motion passed unanimously**.

4. **Planning, Zoning and Variance Board**

No discussion.

5. **Town Attorney**

No discussion.

6. **Town Manager**

- a. Bicycle and Pedestrian Walkway Impact Fee Expenditure and Approval of Bid
Mr. Bradshaw said that the Town imposes an impact fee for the pedestrian walkway and the bike path, and within that ordinance it specifies that these funds have to be used within a certain time period. We are at that time to spend some of these monies, which currently is about \$21,000. Staff requested that the Council approve expenditure of these funds for the bike path on A1A. Councilman Kenyon, supported by Councilmember Atchison, **made a motion to expend approximately \$21,000 in funds currently in this account for Bicycle and Pedestrian Walkway improvements**. There being no discussion, the vote was called, with **unanimous approval**.

The second portion of the discussion was to request a **motion to approve East Coast Earthworks & Excavation, the low bidder, to perform the Bicycle and Pedestrian Walkway improvements**. This motion was made by Councilman Kenyon and seconded by Councilman Becker, and received **unanimous approval**.

- b. Community Center Fee Structure Discussion

The Council's attention was directed to a memorandum from the Town's Building Official, Mr. Jefferson, regarding the suggested revised fee structure for rental of the Community Center and the Council Chambers. The comparative rental rates for our area, including required deposits and cleaning fees were provided, as well as the current fee structure for the Town. Mr. Bradshaw continued that the restoration will yield a very nice facility, and staff is recommending that our rental rates for the Community Center be increased to \$265, with \$65 being set aside for cleaning fee. A resident fee would be \$100 with an additional \$65 cleaning fee. For the Council Chambers, staff recommends the \$100 plus \$65 cleaning fee for non-residents, and \$50 plus \$65 cleaning for resident's usage.

Councilman Kenyon asked about specific times for rental, and Mr. Bradshaw said he didn't know if the Council wanted it to be that detailed. Councilman Kenyon said he thought it absolutely should be, and Mr. Bradshaw asked for the Council's input on that as well as for a security deposit. Mr. Kenyon said there should be a security deposit, and Mr. Bradshaw said that we really want to protect it.

Councilmember Atchison said if you look at the comparisons, even \$265 looks too low. She continued that we have a much different atmosphere in Indian River Shores, and asked about manpower for set up and maintenance of the facility. She suggested a competitive rate of \$500 for non-resident rental, cleaning fee of \$60-\$75, and a security deposit dependent on whether it is an hourly rental or event rental. Councilman Kenyon did not want residents to be bombarded with high rates. Sponsor

by a resident and rental to non-residents was discussed, with Councilman Becker asking if it's purpose was to be a revenue generator or a service to our residence. Councilman Kenyon asked about the bridge group being run by a non-resident but it provides for residents. Mr. Bradshaw said that a resident sponsors the event, and once a resident sponsors the occasion, we give them the resident rate.

Councilman Kenyon said he would go for \$400 and \$200, with a \$75 cleaning fee. Councilmember Atchison disagreed, stating that we have the best that there is to offer, and asked about the security deposit. She invited Mr. Jefferson to address the Council, and he said that he had a proposed rental contract that would put the responsibility on the renter. He added that he would check the facility in the morning after events. We are putting about \$100,000 into remodeling the facility, and last year we lost in damage alone \$37,000 and collected about \$2,000 in fees. Councilman Becker asked if the damage was caused by participants, and Mr. Jefferson replied that they had destroyed the walls and the carpet. It will be cleaned after every use now. Councilman Kenyon said that he thought a \$500 deposit would be good, and Mr. Bradshaw said the more we have up front, the more protection we will have.

Mayor Cadden said that this is the first time he has heard these numbers, which he referred to as pretty spectacular. He asked about the damage, and Mr. Jefferson said it was to the carpet, and the walls had been damaged by chairs and tables being driven into them. We didn't really keep up with a daily damage check after rental, he added. The Mayor asked Mr. Jefferson who did the damage, and he replied he thought it was AA, adding that he sees the facility every morning after, and they do a lot of damage here. The bridge group does virtually no damage at all.

Councilmember Atchison asked Mr. Jefferson how he thought the meetings should be billed, such as the realtors and others. Mr. Jefferson said that if the rental fee for residents was at least equal to the cleaning fee, as it should be cleaned after every use, we would at least break even.

Councilman Kenyon asked if Mr. Bradshaw had an interface with the AA members, and he replied that a couple of years ago it was decided that this was a service that we provided to the community. Mayor Cadden could not believe that the destructive AA members could be residents of this town, and Mr. Jefferson said that he is here most of the time at night, and that most of them are in their 30's and younger. Mr. Jefferson said that a new contract would be signed by each regular renter, and if they did any damage, they would be required to pay for it. Councilman Kenyon said that they would have to put the security deposit up, and not be allowed back if they cause damage. It was mentioned that most AA members do not like to go to meetings in their own community, but prefer the anonymity of going elsewhere. Councilman Ahrens said that there are many AA meetings in Vero Beach, and Councilman Kenyon said that they have AA meetings at Holy Cross and have none of these problems. Mr. Jefferson relayed that they had these meetings at the high school, and had to have a police detail there because of the damages caused. He reiterated that as soon as anyone does any damage to our facility, we will have to ask them to leave, and that we must keep abreast of it.

Councilman Becker asked if they had liability coverage, and Mr. Bradshaw said that they do. *The council discussed whether or not this would be voted on, and determined that the Town Manager would be directed to make an administrative decision on fee structure with Council's input.* Councilman Becker questioned if the Town wanted to open the Center to non-residents, and Mr. Jefferson said that is where

we would get our revenue to remodel the Council Chambers. Councilmember Atchison asked what percentage of non-residents used the facility on an annual basis, and Mr. Jefferson said that we do not advertise it and have very few. We have some requests now, and are looking for suggestions on fee schedules.

Mr. Bradshaw recapped that the Council was directing him to set the fee schedule and enforce it, and Councilman Kenyon asked him to come back with a report on what they recommended to implement. Councilman Ahrens said an hourly fee should be established and work it from there. Mr. Jefferson said that this is probably something that they want to start renting in two weeks.

The Town Clerk asked what rates she should tell the people who were waiting to schedule the Community Center now, and Mr. Bradshaw said that they will have tentative rates ready tomorrow.

c. November Town Council Meeting Date from November 16 to November 30

Since the majority of the Council and Town Manager were planning to attend the Florida League of Cities Annual Legislative Conference on November 16th, it was suggested to move the meeting to November 30th. He asked for consensus from the Council on the most convenient date for them. Councilmember Atchison asked if everyone would be available on the 15th, since there was a meeting on December 15th and a meeting on the 30th of November would be just two weeks before. Councilman Becker had a schedule conflict, but would be available on Tuesday November 14th. Everyone was agreeable with moving the meeting to this date.

d. Resignation of Building & Grounds Committee Member Richard Dowd

A motion to accept the resignation of Richard Dowd from the Building and Grounds Committee was made by Councilmember Atchison and supported by Councilman Kenyon. The motion was **unanimously approved** with no discussion.

Mr. Bradshaw asked Mr. Jefferson if he would like to discuss the Post Office, and he said he had a final plan for the Post Office, and asked if the Council had any input. First, he explained, there will be a conference room 12' wide in what was the Town Clerk's office, which will be used for the Treasurer's office while her area is under construction. Two 4' walkways on either side of the Post Office will house approximately 352 mailboxes, which will be accessible 24 hours a day. The entrance door to the main area will be locked other than during regular business hours. Councilmember Atchison asked if there were proposed box rental rates, and Mr. Bradshaw said that the second component is the fee schedule, adding that he hoped that the Council would direct the manager to set the fee schedule. Councilmember Kenyon asked if he didn't have this prepared, and Mr. Bradshaw said that he would put it together. There was already a waiting list, he continued, and Councilmember Kenyon asked him to make sure that his name was on that list. *Mr. Bradshaw asked again for the Council to allow him and Mr. Jefferson to set the fee schedule*, and Councilman Kenyon affirmed. Councilmember Atchison asked him to make sure having this service does not continue to have a negative impact on our budget.

7. **Call to Council.**

a. Committee Reports.

Council of Public Officials (COPO). Mr. Kenyon said that the COPO has their last meeting in November, after which they will become affiliated with the Florida League of Cities. The representatives from the other cities and four counties were at this meeting, and discussed the by-laws. The original proposed document was amended, as

it was to include county officials as not primary members but as associate members. The feeling that this would compromise open discussion among the cities, because so often the cities are in conflict with the counties and they didn't want the county people sitting there while they were trying to make up their mind about a particular issue. They determined to strike the one word out of the agreement so that from elected county officials cannot be associate members of this particular body.

Councilman Kenyon continued that the other thing that came up was about electrical generators, which has been a major problem in Vero Beach. It is supposed to be an item requiring a permit, which requires some schooling as to what to do or not do when you have one in your home. Mr. Bradshaw responded that he and Mr. Jefferson had discussed this, and we have a procedure or a policy in place and are under the jurisdiction of the State and Federal government. He added that Mr. Jefferson was trained and is certified to do it, and it is not an issue here. Mr. Jefferson said that the problem in the County and in the City is that they are supposed to be 10' from the property line and 10' from the house, and the County allows houses to be built within 7' of the property line, so those installed are installed illegally. In Indian River Shores, the 15' setbacks and 30' front and rear setbacks present no problem. Councilman Kenyon asked if he was comfortable that he was getting a permit from most of them, and Mr. Jefferson affirmed, saying that the gas, electrical, and/or the generator company would pull a permit, so it is pretty well covered.

Metropolitan Planning Organization (MPO). Councilman Becker said that they met, and he wanted to point out to the Mayor that there is a Technical Advisory Committee meeting on October 27th to discuss Aviation Boulevard. This is comprised of staff members and residents, and will probably yield a recommendation that they not spend additional money on consultant fees.

Beach and Shores Preservation, Parks and Recreation Committee, and Treasure Coast Regional Planning Council. Councilman Ahrens said that a couple of the meetings were cancelled and he was not in town for the other one.

Land Acquisition Advisory Committee (LAAC). Councilmember Atchison said that they met yesterday and continued to rank sites that had been nominated for the purpose of using bond monies. One of the big considerations is that the last bond referendum allows for historic and agricultural lands, and they are looking very closely at a conservation easement at the Sexton Ranch, which is pretty historic and was once a big agricultural producer in our county. Councilman Becker asked how much money of the \$50 million is left, and she said that they are just beginning the second portion, with just \$26 million being considered now, and \$26 million in reserve for FY 07/08. Councilman Kenyon asked if she was happy with how they were doing things, and she said yes.

Treasure Coast Council of Local Governments (TCCLG). Mayor Cadden said that there was a very nice meeting of the TCCLG, and Chief Schauman was the guest speaker about the Town's Public Safety Department (PSD). It generated so much interest that the Mayor, Chief and Town Manager from Jupiter Island visited our PSD on Tuesday. Chief Schauman said that they mainly talked about how our department is run, with a lot of interest in policy and procedures.

Mayor Cadden said that he is delighted that everyone is going to the Legislative meeting on the 16th of November, with the exception of Councilman Becker being out of town and unable to attend.

